

ORIGINAL

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FEB 22 2005

LUTHER B. THOMAS, Clerk  
By: B.J. B. Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

PREVENTION AND  
MOTIVATION PROGRAMS, INC.,

Plaintiff, : CIVIL ACTION

: FILE NO. 4:05-CV-040

v.

CHILDHELPUSA,

Defendant.

-HLM

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant ChildhelpUSA, Inc. ("Childhelp") hereby submits this Notice of Removal of this action from the Bartow County Superior Court, in the State of Georgia, to the United States District Court for the Northern District of Georgia. In support of its Notice of Removal, Childhelp states as follows:

1.

On October 8, 2004, Plaintiff Prevention and Motivation Programs, Inc. ("PAMP") filed an action against Childhelp in Bartow County Superior Court in

the State of Georgia. Attached hereto as Exhibit "A" is a copy of Plaintiff's Complaint.<sup>1</sup>

2.

On or about January 25, 2005, Childhelp was served with a copy of the summons and the Complaint in this action. Attached hereto as Exhibit "B" is a true and correct copy of all process Childhelp has received from the Plaintiff. *See* 28 U.S.C. § 1446(a).

3.

The Bartow County Superior Court is within the Rome Division of the United States District Court for the Northern District of Georgia. *See* 28 U.S.C. § 90. This Notice of Removal is therefore "file[d] in the district court of the United States for the district and division within which such action is pending." 28 U.S.C. § 1446(a).

4.

Paragraph 1 of Plaintiff's Complaint alleges that PAMP is a Georgia Corporation, resident in Cartersville, Georgia.

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<sup>1</sup> Although the complaint's case style incorrectly suggests that it was filed in the State Court of Bartow County, the file stamp and summons correctly reflect that it was filed in the Superior Court of Bartow County. Bartow County does not have a State Court.

5.

ChildhelpUSA, Inc. is a California Corporation with its principal place of business at 15757 North 78th Street, Scottsdale, Arizona.

6.

The Complaint alleges breach of contract and unjust enrichment. Paragraph 9 of the Complaint alleges that PAMP seeks to recover "at least THREE HUNDRED THOUSAND DOLLARS (\$300,000)."

7.

Because PAMP and Childhelp are "citizens of different States" and the amount in controversy in this action exceeds \$75,000, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). As a result, the action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

8.

Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days of the Plaintiff's service of the Summons and Complaint.

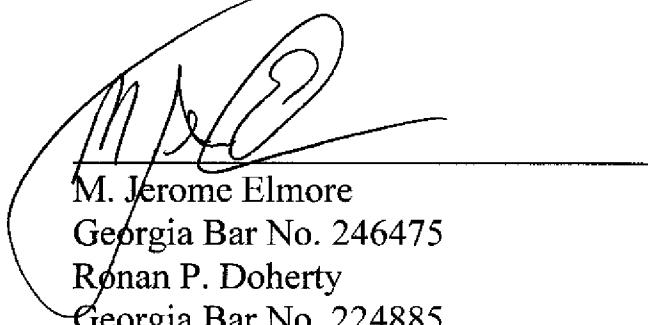
8.

Pursuant to 28 U.S.C. § 1446(d), Childhelp, through its counsel of record, will this day serve written notice of the filing of this Notice of Removal upon all

parties, and will file a copy of this Notice of Removal with the Clerk of the Bartow County Superior Court.

This 22 day of February, 2005.

Respectfully submitted



M. Jerome Elmore  
Georgia Bar No. 246475  
Ronan P. Doherty  
Georgia Bar No. 224885

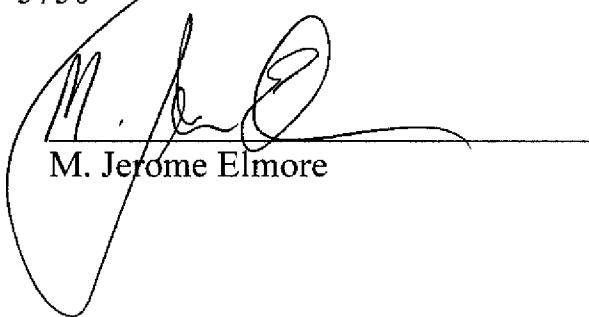
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(404) 881-4100 (telephone)  
(404) 881-4111 (facsimile)

ATTORNEYS FOR DEFENDANT  
CHILDHELPUSA, INC.

**CERTIFICATE OF SERVICE**

This is to certify that I have this 22<sup>nd</sup> day of February, 2005 served a copy of the within and foregoing **NOTICE OF REMOVAL** upon counsel of record by causing same to be deposited in the United States Mail with adequate postage affixed thereon and addressed as follows:

A. Keith Logue  
3423 Weymouth Court  
Marietta, Georgia 30062  
(770) 321-5750



M. Jerome Elmore